

A3

whereby said platform is supported in an approximately horizontal position by said spring and a load on said platform causes the separation of the first plate from the second plate to decrease; and

means for detecting a decrease in the separation of the first plate from the second plate.

A4

9 (Amended). In an external lift for a scooter wherein the lift includes a post adapted to be attached to a vehicle, a lift mechanism including a tube attached to said post and a sliding post fitting within said tube, and a rotating platform coupled to the sliding post by a hinge including a bar attached to said platform inside a horizontal tube coupled to said sliding post, the improvement comprising:

a bore in said bar and a pin attached to said post, wherein said pin engages said bore when said platform is in a raised position to prevent rotation of said platform.

REMARKS

Reconsideration of the above-identified application is respectfully requested.

The Examiner objected to the drawings, asserting that "*Page 4, line 32 sets forth that lever 32 is attached near one end of shaft 41, but this is not shown in the drawings, and it is unclear as to which end the lever 32 is attached.*" The sentences following the one referred to disclose that "Lever 32 (FIG. 3) is attached near one end of shaft 41. The other end of shaft 41 is journaled in support bracket 44." It is respectfully submitted that it is perfectly clear what the attachments are at each end of shaft 41. Nevertheless, it is proposed to amend FIG. 3 as shown in red on the enclosed copy.

The Examiner's comments concerning page 5, lines 5-6 and 9, point out simple errors that could simply have been identified as such. The specification and drawings are amended accordingly.

Concerning page 5, line 16, stops 48 and 49 extend between the plates, parallel to spring 24, as noted by the Examiner. As spring 24 is compressed, the stops will engage plate 22 at some point, preventing further compression.

Concerning page 6, line 25, the pivot axis **of the platform** is the longitudinal axis of bar 54 (FIG. 5). It is respectfully submitted that the text is clearly talking

about a **scooter**; e.g., see the sentence preceding and the two sentences following the questioned sentence.

"The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "46" has been used to designate both return spring and adjustable stop." The objection is not understood. Reference number 46 appears only in FIG. 4 and is used only once.

Reference number 25 (FIG. 2), designating both a bolt and a beam, is changed to 23, with reference to the bolt, as shown in red in the enclosed copy of the drawing.

"The drawings are further objected to under 37 CFR 1.83(a) The drawings must show every feature of the invention specified in the claims. Therefore, the post adapted to be attached to a vehicle must be shown." See applicants' FIG. 1 and FIG. 5, each of which show a trailer hitch. FIG. 5 shows post 74. The post is recited in the preamble of Jepson or Germanic style claims; i.e., the post is part of the recognized prior art.

"[T]he means for detecting a decrease in the separation of the first plate from the second plate must be shown." Such means are illustrated in FIG. 2 and FIG. 4 and described in the specification in at least the first two full paragraphs of page 5.

Claims 1–10 were rejected as not based upon an enabling disclosure. Claim 8 was indicated as allowable (page 9 of Office Action). (?)

"Claims 1, 6, and 9 sets forth the limitation, "post adapted to be attached to a vehicle" which lacks support in the specification with enough specificity to illustrate how the post is adapted to be attached to a vehicle." (1) The post is recited in the preamble of Jepson or Germanic style claims; i.e., the post is part of the recognized prior art. The Examiner is saying that the prior art is not enabling. (2) See applicants' FIG. 1 and FIG. 5, each of which show a trailer hitch. FIG. 5 shows post 74.

"Regarding claim 1, the specification does not provide an enabling disclosure of the structure needed to illustrate how the load sensor 19 can be a sensor. According to the specification, the load sensor is a spring 24, and a spring does not sense." The Examiner is attempting to rewrite applicants' disclosure, which clearly discloses "load sensor 19." The load sensor is not spring 24, as alleged.

"Regarding claim 4, the specification does not provide an enabling disclosure of the following structure: Ramp on said post for supporting said platform while said platform is raised or lowered. The post as it is set forth does not appear in the drawings, hence it is difficult to ascertain its limitations." Are we reading the same specification? In connection with FIG. 5, applicants disclose "U-shaped steel ramp 73 is attached to the lower end of post 74 for engaging wheel 75;" see page 6, lines 4-5 of applicants' specification.

"Regarding claim 6, the specification does not provide an enabling disclosure of ... the means for detecting a decrease in the separation of the first plate from the second plate. The disclosure provides not [sic - no] support for the claimed limitation." A means for detecting is illustrated in FIG. 4 and described in the specification at least in the paragraph beginning at page 4, line 7.

"Regarding claim 7, the specification does not provide an enabling disclosure of ... how an adjustable stop 48 or 49 can be adjustable, and stop the items, which it stops." Stops 48 and 49 are bolts. One of ordinary skill in almost any art would likely know that one adjusts a bolt by turning it clockwise or counterclockwise. One of ordinary skill in almost any art would likely know that two plates can be held apart by putting something between them, such as bolts, posts, or other object.

"Further in regards to claim 7, the set forth limitation, "said first plate moves toward said second plate" is wrong because according to the disclosure, it is the second plate 22 which moves towards the first plate 21." (1) Even if true, what does this have to do with enablement? (2) An applicant may claim an invention as he sees fit. As long as a claim is not inconsistent, i.e. indefinite, the invention can be

recited any way an applicant wishes. (3) Motion is relative. It does not matter which plate is first or second.

Claims 1–10 were further rejected as indefinite.

"Regarding claims 1, 6 and 9, the limitation "an external lift for a scooter" is unclear because the phrase does not specify whether the scooter is being lifted, or the external lift is an auxiliary for the scooter" (1) Patent specifications are addressed to one of ordinary skill in the art. Although patent examiners are not ones of ordinary skill in the art, "Office personnel must always remember to use the perspective of one of ordinary skill in the art. Claims and disclosures are not to be evaluated in a vacuum" MPEP §2106. (2) Is the Examiner seriously contending that the recitation of **prior art** would not be understood by those of ordinary skill in the relevant art? (3) Semantics can be fun but this is a waste of time and money. (4) "Lift" is used as a noun, not as a verb. The Examiner's semantic exercise is in error.

"Regarding claims 6 and 9, the applicant sets forth two posts a post and a sliding post. it is confusing as to ascertain exactly which post is attributed the subsequent claimed limitations, as the two posts appear to be substantially different items." No post is recited in the body of claim 6 nor in any claim dependent upon claim 6; i.e., there are no "subsequent claim limitations." In claim 9, the recitation of "post" clearly refers to the post adapted to be attached to a vehicle. However, the preambles of claims 6 and 9 have been amended to add "sliding" to the last post recited. No change in scope is made or intended by this amendment.

"Regarding claim 7, line 2, how can it be that a shaft 41 be rotatably mounted on the second plate 22, when Fig 4 clearly shows that there is no mechanical relationship between these two features." In FIG. 4, shaft 41 is journaled into block 44, which is attached to plate 22 (specification, page 5, line 1). Thus, there is clearly a mechanical relationship between the two elements, described and illustrated.

Claim 1 was rejected as anticipated by Ross.

"Regarding claims 1, Ross discloses an external lift for a scooter wherein the lift includes:

- A post 28 adapted to be attached to a vehicle,*
- Rotating platform 12 coupled to the sliding post by a hinge 118 including a bar attached to the platform inside a horizontal tube 49 coupled to the post,*
- Load sensor 116 actuated by rotation of the platform 12."*

The *Merriam-Webster's Collegiate Dictionary* defines "post" as "1 : a piece (as of timber or metal) fixed firmly in an upright position esp. as a stay or support : pillar, column" © 1997, 1996 Zane Publishing, Inc. The *American Heritage Electronic Dictionary* defines "post" as "1. A stake of wood or other material set upright into the ground to serve as a marker or support." © 1991 Houghton Mifflin Company. Clearly, the Ross patent uses the term "post" incorrectly but the Examiner has no difficulty with the semantics.

"Load sensor 116 actuated by rotation of the platform 12" is a gross mischaracterization of the disclosure of Ross. Even a cursory reading of the Ross patent reveals that the patent discloses no more in this regard than the Peterson patent cited by applicants. The load sensor is not actuated by the rotation of the platform but by "bypass plate" 93. See column 5, lines 4 ff., for a description of the platform rotating or not. Element 116 is referred to in the patent as a "spring" or as a "bias means" but never as a load sensor, as alleged by the Examiner. It is respectfully submitted that the Examiner must accept the prior art as it is written and not rewrite it to suit a rejection.

Claims 2, 3, and 9 were rejected as unpatentable over Ross in view of Wright. (1) The Wright patent does not overcome any of the deficiencies noted above with the Ross patent. (2) The Wright patent is not from an analogous art as alleged by the Examiner. Lifts and ramps are not analogous. They are vastly different structures. (3) There is no basis for the proposed combination in the prior art cited. (4) Even if somehow combined, locking a swinging arm does not suggest locking a platform that is already held in place by other means.

Claim 4 was rejected as unpatentable over Ross in view of Peterson. (1) The Peterson patent does not overcome any of the deficiencies noted above with the Ross patent. (2) The Examiner alleges "*Peterson shows in Fig 3A a roller coupled to the platform and engaging a ramp on the post for supporting the platform while the platform is raised or lowered.*" This is simply untrue. The Peterson patent does not use the word "roller." The word "ramp" is used in the Peterson patent in connection with the little ramps at the entrance to the platform; see FIG. 2, elements 66, 70, and 80. The Examiner is requested to identify specifically the recited structure so broadly alleged to exist in the Peterson patent.

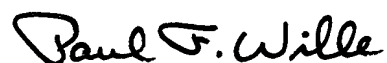
Claims 5, 6, and 10 were rejected as unpatentable over Ross. In support of the rejection, the Examiner alleges that "*it is well known in the art of holding down scooters, that it is advantageous to have two laterally displaced feet or more.*" (1) This allegation is totally unsupported. (2) If it so well known, show it. (3) The Examiner then spins off on his own talking about two scooters. The comments have nothing to do with claim language. (4) Applicants respectfully request that the Examiner provide a patent disclosing two 200 pound scooters on the trailer hitch of a passenger vehicle as proof for the reasonableness of his remarks.

"Regarding claim 6, ... Ross differs from the claimed invention because he does not expressly show a first spring attached to at least the first plate for separating the first plate from the second plate, and he does not show that the platform 12 is supported in horizontal position by the spring. However, it appears that the first spring is not necessary for separating the first plate from the second plate." What is necessary is that the Examiner accept the invention as claimed and examine it. Dismissing claim elements as unnecessary is not complying with Rule 104.

It is respectfully submitted that the disclosure is complete and enabling to those of ordinary skill in the art, to whom it is addressed, that the claims are definite, and that the prior art cited or applied does not remotely disclose or suggest the invention claimed.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-10 are in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Paul F. Wille".

Paul F. Wille

Reg. No. 25,274

Attorney for Applicants

6407 East Clinton St.
Scottsdale, Arizona 85254
tel. 602 549-9088

Version with Markings to Show Changes

In the description:

The paragraph beginning at page 4, line 11, has been amended as follows.

Load sensor 19 is attached to the rear of hinge structure for supporting platform 12. Referring to FIG. 2, load sensor 19 includes first plate 21 and second plate 22 that operate somewhat like the pivoting jaws of pliers to compress load spring 24. First plate 21 is welded or otherwise attached to beam 25, which is welded or otherwise suitable attached to sliding post 17. Second plate 22 is attached to the platform and coupled to first plate 21 by spring 24. Spring 24 is preferably a coil spring and is compressed between the first plate and the second plate when the platform is rotated to a horizontal position. Spring 24 provides a sufficient restoring force that it can not be completely compressed by the weight of the platform. Strictly speaking, the torque of the platform about the hinge is opposed by the torque from load spring 24. Although a single spring is shown, more than one spring can be used to counter the torque from the platform. The upper end of spring 24 is attached to first plate 21 by bolt 23 [25]. The load sensor is protected from the wheels of a scooter by fence 27, which also guides the wheels of a scooter onto track 29.

The paragraph beginning at page 5, line 7, has been amended as follows.

If a torque greater than the torque due to the platform is applied to the system, then plates 21 and 22 move toward each other, spring 24 is further compressed, and tab 45 engages adjustable stop 47 [46]. When adjustable stop 47 engages tab 45, a torque is applied to shaft 41, opposing return spring 46 and pivoting arm 32 away from engagement between pin 31 and slot 34. A weight anywhere on the platform causes further compression of spring 24 and, therefore, prevents the platform from being rotated as it is raised. In one embodiment of the invention, as little as thirty pounds on the platform was sufficient to prevent the platform from rotating as it was raised.

In the claims:

Kindly amend claims 6 and 9 as follows.

6. In an external lift for a scooter wherein the lift includes a post adapted to be attached to a vehicle, a lift mechanism including a tube attached to said post and a sliding post fitting within said tube, and a rotating platform coupled to the sliding post by a hinge including a bar attached to said platform inside a horizontal tube coupled to said sliding post, the improvement comprising:

- a first plate coupled to said tube;

- a second plate coupled to said bar;

- a first spring attached to at least said first plate for separating the first plate from the second plate;

whereby said platform is supported in an approximately horizontal position by said spring and a load on said platform causes the separation of the first plate from the second plate to decrease; and

means for detecting a decrease in the separation of the first plate from the second plate.

9. In an external lift for a scooter wherein the lift includes a post adapted to be attached to a vehicle; a lift mechanism including a tube attached to said post and a sliding post fitting within said tube, and a rotating platform coupled to the sliding post by a hinge including a bar attached to said platform inside a horizontal tube coupled to said sliding post, the improvement comprising:

- a bore in said bar and a pin attached to said post, wherein said pin engages said bore when said platform is in a raised position to prevent rotation of said platform.